

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 16, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-13433 - APPLICANT: GEORGE GEKAKIS, INC. -
OWNER: SOUTHERN TRACE HOLDINGS, LLC, ET AL**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

1. The limits of this vacation shall be the existing portion of Poppy Lane, between Effinger Lane and McKnight Street, retaining all rights-of-way necessary to terminate Effinger Lane in a cul-de-sac meeting current City Standards, unless a waiver, such as WVR-13432, is approved to allow the termination of a public street in a manner other than a cul-de-sac.
2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant, so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. Retain a 20-foot public sanitary easement at a location acceptable to the Collection Systems Planning Section of the Department of Public Works.
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by SDR-13428 may be used to satisfy this requirement provided that it addresses the area proposed to be vacated.
5. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of

technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
8. All development shall be in conformance with code requirements and design standards of all City Departments.
9. The Order of Vacation shall not be recorded until all of the conditions of approval have been met. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public street light and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
10. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a petition to Vacate a portion of Poppy Lane between Effinger Lane and McKnight Street.

EXECUTIVE SUMMARY

Planning Staff does not support this request as denial of the overall project is recommended. Furthermore, a Waiver has been requested to allow Effinger Lane to terminate with no cul-de-sac and this is not supported.

BACKGROUND INFORMATION

A) Related Actions

- 07/13/06 The Planning Commission recommended approval of companion items WVR-13431, VAR-13429, VAR-13430, SUP-13431 and SDR-13428 concurrently with this application.
- 07/13/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23/stf).

B) Pre-Application Meeting

- 03/08/06 Staff informed the applicant of the required landscaping for this type of project. The submittal requirements for the necessary applications were also discussed.

DETAILS OF APPLICATION REQUEST

The above property is legally described as follows:

A public right-of-way within the west half (W½) of the southwest quarter (SW 1/4) of the southwest quarter (SW1/4) of Section 25, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) *Planning discussion*

Planning does not support this request as the overall project is not support due to incompatibility with the surrounding neighborhood.

B) *Public Works discussion*

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, the street is not constructed and is therefore not used by the public.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Site Development Plan Review SDR-13428.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *Yes, the vacation request will result in Effinger Lane, a 60-foot public right-of-way, to terminate in a dead end configuration. However, in conjunction with SDR-13428, there is a request for a Waiver of Title 18.12.130 to allow Effinger Lane to dead end. Public Works recommends denial of this Waiver request.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11**ASSEMBLY DISTRICT** 28**SENATE DISTRICT** 2**NOTICES MAILED** 8 by City Clerk**APPROVALS** 0**PROTESTS** 0